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C O N F I D E N T I A L SECTION 01 OF 02 NAIROBI 003593

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TAGS: [PGOV](#) [PREL](#) [KDEM](#) [KE](#)

SUBJECT: KENYA CONSTITUTION: BATTLE LINES DRAWN ON THE

REFERENDUM

REF: (A) NAIROBI 3499 (B) NAIROBI 3487

Classified By: Deputy Political Counselor L. Peterson for reasons 1.4 (b,d)

SUMMARY

1. (SBU) Battle lines are being drawn on the upcoming referendum on the proposed new constitution. Former President Moi has announced his opposition to the new draft. Two Cabinet members, Raila Odinga and Kalonzo Musyoka, have formally joined forces with the leader of the Official Opposition Uhuru Kenyatta to conduct a nationwide campaign for a vote against the draft. Three major religious bodies have stated their neutrality on the draft, but some among these have expressed reservations about portions of the document and have advised that they will engage in civic education on strengths and weaknesses of the draft. The "No" campaign, with its vocal and early start, appears to have an early advantage, but much can still change between now and referendum day. END SUMMARY.

OVERT OPPOSITION

2. (U) During the week of August 29, a number of high profile individuals and organizations announced their positions on the new draft constitution. Former President Moi stated he opposes the draft, claiming it promotes tribalism, suspicion, and animosity, and forecasting that the document "would tear this country apart" if adopted. The Central Organization of Trade Unions (COTU) has also announced it will advise its members to vote against the draft, stating that it negated principles of democracy and freedom and would erode current gains by the trade union movement. Women's groups have also expressed concern over the draft. The Kenya Women's Movement, comprising several women's organizations, recently announced that the draft failed to sufficiently advance women's rights.

3. (C) Cabinet Ministers Raila Odinga and Kalonzo Musyoka (both of the Liberal Democratic Party) formally joined forces with Kenya African National Union (KANU) leader Uhuru Kenyatta August 31 to launch a nationwide campaign opposing the new draft. The three leaders plan to conduct rallies in 18 towns countrywide. (COMMENT: The combination of these three personalities is likely to provide real momentum to the "No" campaign. Kenyatta will be able to draw in at least a portion of the Kikuyu community, along with support from KANU's significant support base in the Rift Valley. Musyoka has repeatedly appeared in opinion polls as a strong contender for the presidency and will be able to draw in at least a portion of the Kamba community. Odinga is an exceptional organizer within the Luo community and among his Nairobi-area constituents; his strategy and leadership helped seal the ruling coalition's victory in 2002. They are coming to this battle, however, with a comparatively small war chest of about \$135,000 and risk being quickly outspent by the "Yes" camp. END COMMENT.)

OFFICIAL NEUTRALITY - WITH SOME RESERVATIONS

4. (SBU) On three successive days, the Catholic Church, Anglican Church, and National Council of Churches of Kenya (NCCK) (representing mainstream Protestant churches), publicly declined to side one way or the other on the draft, in contrast to the public opposition voiced by 41 Protestant and Evangelical churches on August 25 (ref B). Rather, these religious bodies declared that it was up to each individual to make up his or her own mind on the draft. The Catholics leaned slightly toward the new draft, describing it as better than either the current constitution or the Bomas draft. The Anglicans advised they would be involved in civic education activities in the run-up to the referendum to explain the strengths and weaknesses of the new draft. The NCCK also described the new draft as better than both the existing constitution and the Bomas draft, but publicly expressed a specific concern about the draft's rigid amendment procedures. Each of these groups announced their neutral stances following meetings with the man responsible for formulating the new draft, Attorney General Amos Wako, fueling speculation in local media that Wako influenced the religious bodies to avoid further damaging the Government's

"Yes" campaign.

POSSIBLE DIVISIONS WITHIN THE MUSLIM COMMUNITY

15. (U) The Supreme Council of Kenyan Muslims (SUPKEM) secretary general has asked Muslims to read and interpret the

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draft carefully while awaiting direction from SUPKEM. The secretary general of the Council of Imams and Preachers of

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Kenya advised that the organization would announce a position after having studied and compared three different constitutional drafts. In the meantime, the National Muslim Council of Kenya has reiterated its opposition to the draft.

COMMENT

16. (SBU) Whether voicing opposition to the new draft or simply declining to endorse it, religious leaders and civil society groups may disadvantage the Government's "Yes" campaign. If the only support outside of Government lent to the draft is to withhold judgment on it, the "Yes" campaign seems to be starting at a disadvantage. While the "No" group has been quick to launch its campaign, the Government has been slow to mobilize supporters, and has put out confusing, conflicting messages about what, exactly, is in the draft. Members of Parliament who support the draft are to gather September 2 to strategize the "Yes" campaign, but they now appear rather slow coming out of the chute. For the moment, the draft's opponents seem well-positioned to defeat the draft. Many other developments, however, particularly the "Yes" camp's potential war chest, could easily shift the balance between now and November. END COMMENT.

BELLAMY